

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARMANDO GARCIA-WEHR,

Plaintiff,

v.

R. GROUNDS,

Defendant.

Case No. [15-cv-00370-VC](#)

ORDER TO SHOW CAUSE

Armando Garcia-Wehr, a state prisoner incarcerated at Salinas Valley State Prison, has filed a *pro se* habeas petition pursuant to 28 U.S.C. § 2254, challenging his conviction for second degree murder in the Contra Costa County Superior Court. Garcia-Wehr has paid the \$5.00 filing fee.

It does not appear from the face of the petition that it is clearly without merit. Good cause appearing, the Court hereby issues the following orders:

1. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk also shall serve a copy of this Order on Garcia-Wehr at his current address.

2. No later than sixty days from the date of this Order, Respondent shall file with this Court and serve upon Garcia-Wehr an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the Answer all portions of the state record that have been transcribed previously and are relevant to a determination of the issues presented by the petition. If Garcia-Wehr wishes to respond to the Answer, he shall do so by filing a Traverse with the Court and

1 serving it on Respondent within thirty days of his receipt of the Answer. If he does not do so, the
2 petition will be deemed submitted and ready for decision on the date the Traverse is due.

3 3. No later than sixty days from the date of this Order, Respondent may file with this Court
4 and serve upon Garcia-Wehr a motion to dismiss on procedural grounds in lieu of an Answer, as
5 set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases.
6 If Respondent files such a motion, Garcia-Wehr shall file with the Court and serve on Respondent
7 an opposition or statement of non-opposition to the motion within thirty days of receipt of the
8 motion, and Respondent shall file with the Court and serve on Garcia-Wehr a reply within
9 fourteen days of receipt of an opposition.

10 4. It is Garcia-Wehr's responsibility to prosecute this case. He must keep the Court
11 informed of any change of address by filing a separate paper with the Clerk headed "Notice of
12 Change of Address," and must comply with the Court's orders in a timely fashion. He also must
13 serve on Respondent's counsel all communications with the Court by mailing a true copy of the
14 document to Respondent's counsel.

15 5. Extensions of time are not favored, though reasonable extensions will be granted. Any
16 motion for an extension of time must be filed no later than ten days prior to the deadline sought to
17 be extended.

18 **IT IS SO ORDERED.**

19 Dated: April 8, 2015



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21 VINCE CHHABRIA
22 United States District Judge
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